

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Mattias Johansson et al	Group Art Unit: 3682
Serial No.:	10/091,889	Examiner: Hansen, Colby
Filed:	March 5, 2002	
For:	ADJUSTABLE PEDAL ASSEMBLY	
Attorney Docket No.:	65,748-753	

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Clark J. Radcliffe, hereby state that:

1. I am a citizen of the United States.

2. I have Bachelors and Masters of Science degrees in Mechanical Engineering from the University of California, Davis. I also have a Ph.D. in Mechanical Engineering from the University of California, Berkeley. I am currently employed as a Professor of Mechanical Engineering for Michigan State University (MSU) and have been employed by MSU since 1980.

3. I have, in the past, been deemed an expert in the area of adjustable pedals by the federal judicial system of the United States.

4. I am aware of, have read, and understand the adjustable pedal design disclosed in U.S. Patent No. 2,860,720 to Huff et al.(Huff et al.). From my reading of Huff et al. I also understand the operation of the adjustable pedal assembly disclosed therein.

5. As a result of my review and understanding of Huff et al., it is apparent that Huff et al. includes an accelerator pedal 62 and a brake pedal 60 that pivot about

respective pivot axes 64. Actuation rods 66 are connected to the accelerator 62 and brake 60 pedals for actuating a throttle control and braking device, respectively, during the pivoting of the pedals 62, 60 about the pivot axes 64. Huff et al. also discloses an adjustment element 40, 42, in the form of a large floor plate, for moving the pedals 62, 60 between various operative positions.

6. I am also aware that rods or cables for the accelerator or brake pedals cannot be actuated during the adjustment of these pedals. If these rods or cables are actuated, then the vehicle would accelerate, brake, or do both during the adjustment of the pedals, which is obviously an undesirable result.

7. The accelerator 62 and brake 60 pedals of Huff et al. therefore pivot about their pivot axes 64 during the adjustment of the pedals 62, 60. In other words, the pedals 62, 60 pivot about the pivot axes 64 during adjustment such that the actuation rods 66 do not move in a fore and aft direction during adjustment. Hence, the pivoting of the pedals 62, 60 about pivot axes 64 during adjustment ensures that the pedals 62, 60 will not actuate a throttle control and a braking device of the vehicle.

8. I have also reviewed the animation of Huff et al. This animation accurately illustrates the movement of the actuation rods during the adjustment of the pedals if the pedals were not allowed to pivot about the pivot axes. If this type of operation were to occur, then the actuation rods would be moved in a fore/aft direction, causing the throttle control and/or brake device to be actuated during adjustment of the pedals. This animation further supports my position outlined in paragraph 7 that the pedals pivot about the pivot axes during adjustment in order to prevent movement of the actuation rods and subsequent actuation of the throttle control and brake device.

9. Electronic signal generators, which I am also familiar with, sense any movement of a pedal about its pedal axis. The electronic signal generators then transmit this movement to the appropriate throttle control or brake device.

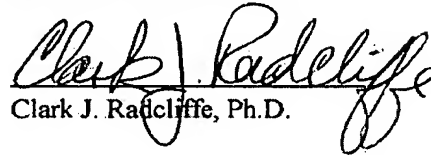
10. If an electronic signal generator was placed on the pedal pivot axes 64 of Huff et al., the electrical generator would sense the required pivoting of the pedals 62, 60 during the adjustment of the pedals 62, 60 between the operative positions. The vehicle would therefore accelerate, brake, or do both during the adjustment of the pedals 62, 60 thereby rendering the adjustable pedal assembly disclosed in Huff et al. inoperative.

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11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true, and further that these statements were made with the knowledge that willful and false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Respectfully submitted,

Dated: April 14, 2004


Clark J. Radcliffe, Ph.D.